IN RE PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE SE/Corner Third and Fir Drives * ZONING COMMISSIONER (15 Fir Drive) 15th Election District * OF BALTIMORE COUNTY 5th Councilmanic District * Case No. 91-383-A Marie E. Martin Petitioner

required rear yard in accordance with Petitioner's Exhibit 1.

tion presented

FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

The Petitioner herein requests a variance to permit an accessory structure (detached carport) to be located in the side yard in lieu of the

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documenta-

The Petitioner has filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general weltare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Sections 307 1, 307 2 and 500.14 of the B.C.Z.R. Furthermore, strict compliance with the B C Z R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore Coun-

Baltimore County Government

887-3353

Zoning Commissioner
Office of Planning and Zoning

May 21, 1991

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Zoning Commissioner for Baltimore County

above-captioned matter. The Petition for Residential Variance has been

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Tawes State Office Building, D-4, Annapolis, Md. 21404

111 West Chesapeake Avenue

Ms Marie E. Martin

Dear Ms. Martin:

Baltımore, Maryland 21220

Case No. 91-383-A

RE: PETITION FOR RESIDENTIAL VARIANCE

Marıe E. Martin - Petitioner

granted in accordance with the attached Order.

cc: Chesapeake Bay Critical Areas Commission

People's Counsel

File

SE/Corner Third and Fir Drives

15th Election District - 5th Councilmanic District

Towson, MD 21204

15 Fir Drive

ty; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can

- 2-

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal

PETITION FOR RESIDENTIAL VARIANCE 91-383-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Beltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 To allow an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: 1. There is insufficient space in the rear of the property to allow for safe passage. of an automobile. There is no other access to the property,

113.0. Driveway has been in use since the house was built. Petitioner is a mature woman and a covered area will be benificial for her well being. Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

owner(s) of the property which is the subject of this Petition. Contract Purchaser: Attorney for Petitioners Middle River, Maryland 21220 purchaser or representative to be contacted. Thomas B. Shettle Sears, Roebuck & Co. Name 126 Shawan Road Hunt Valley, Maryland 21030 785-1000

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED. IT IS FURTHER OPDERED by the Zoning Commissioner of Baltimore County, this ______ day of ______, 19____, that the subject metter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Beltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Beltimore County

ORDER	R RECEIVED/FOR FILIT
Date	R RECEIVED FOR FILING
Bv	Bn

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2/2 day of May, 1991 that the Petition for Residential Variance to permit an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however. Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The proposed carport shall not be enclosed at any time and shall remain open on the three exposed sides.

> 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated May 3, 1991, attached hereto and made a part hereof.

JRH:bjs

for Baltimore County

CHITICAL AREA

357

Property Description

Marie E.Martin

91-383-A

All that lot of ground, situate, lying and being in Baltimore County: Beginning for the same and being designated as Lot No. 181, on the plat of Stansbury Manor, Section IV, of record among the Land Records of Baltimore County in Plat Book C.H.K. No. 13, folio 138; the improvements whereon being known as No. 15 Fir Drive.

- 4**-**

create adverse environmental impacts.

AFFIDAVIT Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

regard thereto.	•
That the Affiant(s) does/do presently or upon settlement will	reside at
#15 Fir Drive, Middle River, Maryland	21220

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1. There is insufficient space in the rear of the property to allow for safe passage of an automobile, 2. There is no other access to the property, 3. Driveway has been in use since the house was built,

4. Petitioner is a mature woman and a covered area will be benificial for her well being.
That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

APPIANT (Handwritten Signature) AFFIANT (Handwritten Signature) Marie E. Martin AFFIANT (Printed Name) AFFIANT (Printed Name)

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and balief.

AS WITNESS my hand and Notarial Seal.

CHAIN HAND OF OWNER: MARTIN

04AG4#ODEOMICHRC

101AL: \$60.20

Please Make Checks Payable To: Battimore County.) 13: 16Ph03-25-91

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 17, 1991

The Developers Engineering Division has reviewed

For Item 10-Cycle IV-Case No. R-91-116, County Review Group Meeting may be required.

For Item 198-Case No. 91-254-A, the previous minor

For Item 372, this site must be submitted through

Dennis A. Kennedy, P.R., Acting Chief, Developers Engineering Division

the minor subdivision process for review and comments.

the subject zoning items and we have no comments for

Items 9-Cycle IV-Case No. R-91-115, 357, 371, 374, 375,

Zoning Advisory Committee Meeting

FROM: Dennis A. Kennedy, P.E.

376, 378, 380, 381 and 383.

for April 16, 1991

subdivision comments still apply.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

April 17, 1991

Ms. Marie E. Martin #15 Fir Drive Middle River, MD 21220

> RE: Item No. 357, Case No. 91-383-A Petitioner: Marie E. Martin Petition for Residential Variance

Dear Ms. Martin:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

JED:jw

Enclosures

Zoning Plans Advisory Committee

Petitioner: Marie E. Martin

Petitioner's Attorney:

25th day of March, 1991.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Your petition has been received and accepted for filing this

J. ROBERT HAINES ZONING COMMISSIONER

Received By

111 West Chesapeake Avenue Towson, MD 21204

887 3353

700 East Joppa Road, Suite 901 Towson, MD, 21204-5500

(301)8874500

APRJI 12, 1991

Baltimore County Government Tire Department

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: MARIE E. MARTIN Location: #15 FIR DRIVE

Zoning Agenda: APRIL 16, 1991 Item No.: 357

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER Calt Je w Kelly 4 th 44 Approved Coptain France, plan

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

April 12, 1991

Marie E. Martin 15 Fir Drive Middle River, Maryland 21230

Re: CASE NUMBER: 91-383-A LOCATION: SEC Third Rive and Fir Drive 15 Fir Drive

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 17, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is May 2, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

May 2 91-383-1+

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: May 10, 1991

Mr. J. Robert Haines Zoning Commissioner Rahee J. Famili

SUBJECT: 2.A.C. Comments

Z.A.C. MEETING DATE: April 16, 1991

This office has no comments for items number 357, 371, 372, 374, 375, 376, 378, 381 and 383:

RJF/lvd

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines DATE: April 24, 1991 Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: John Gwiazdowski, Item No. 377 Roland E. Hess, Item No. 356 Richard S. Cook, Item No. 382 Frank Limmer, Item No. 389 David C. Berg, Item No. 391 Marie E. Martin, Item No. 357 Steven G. Hipley, Item No. 374 David G. Rorison, Item No. 376 Timothy C. Seiss, Item No. 378 John Alban, Item No. 383

In reference to the following variance requests, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MULTI.ITM/ZAC1

DAK:6

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

DATE: May 3, 1991

2000 W. O. 1902

FROM: Mr. J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 357 Martin Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 15 Fir Drive. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Marie E. Martin

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 of the Baltimore County Zoning Regulations to permit "an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

May 13, 1991 Page 2

Memo to Mr. J. Robert Haines

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-216(a)>.

Finding: This property is located approximately 600 feet from the tidal waters of Middle River. Therefore, no disturbance of the shoreline buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec.

Finding: The applicant agrees that in order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

JJD:DCF:ju

- Mrs. Janice B. Outen

Attachment

cc: The Honorable Vincent Gardina
The Honorable Donald Mason Mr. Ronald B. Hickernell

Ms. Marie E. Martin Mr. Thomas B. Shettle

February 20, 1991

Baltimore County Zoning Office Towson, Maryland

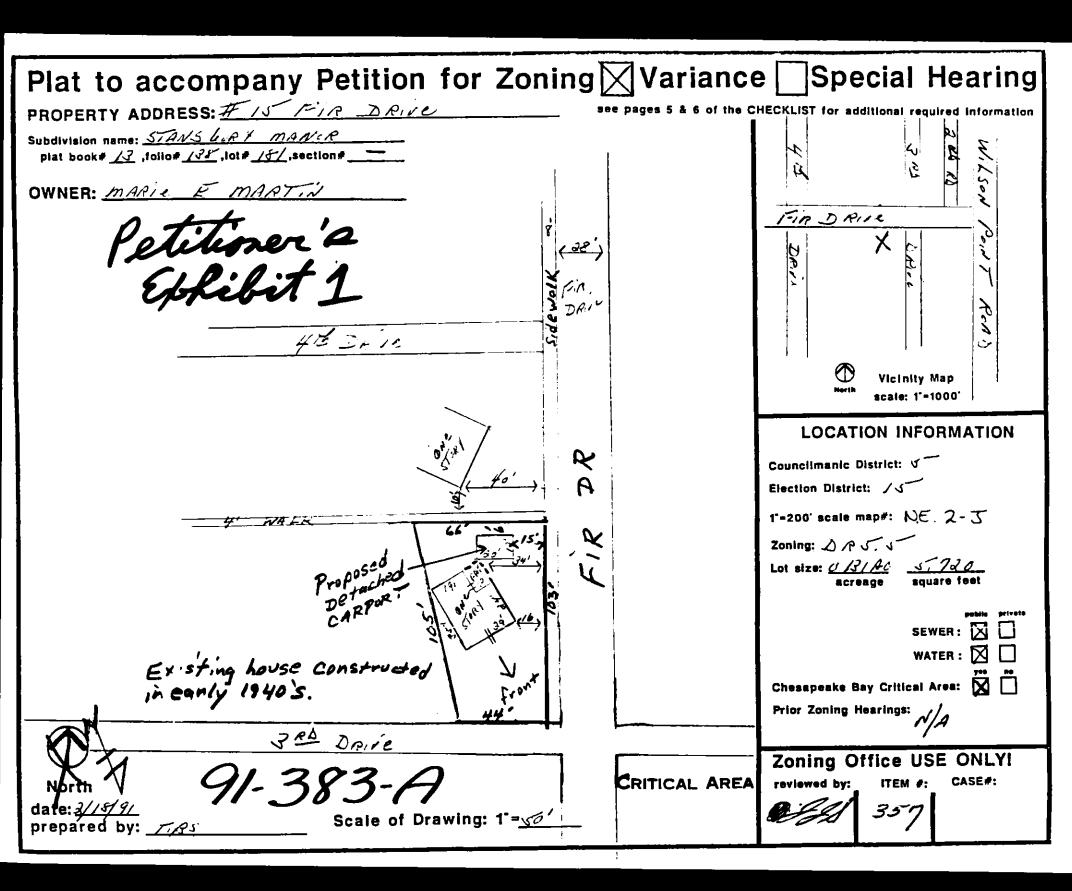
In Re:No. 15 Fir Drive Middle River, Maryland

Greetings:

Now comes Mrs. Marie E. Martin, owner of the above property, seeking a variance from the present DR 5-5 zoning to allow a free standing carport to be erected over an existing driveway. Mrs. Martin presently parks her automobile on the driveway, which is within her property, and would like to protect the car and herself from the elements. There is no other area within the property suitable for a carport.

Many neighbore have carports similar to the one Mrs. Martin would like to erect.

Please call if there are any questions. We appreciate your understanding and cooperation.





Mrs. Marie E. Martin No. 15 Fir Drive Middle River, Maryland 91-383-A





